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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/636,107	08/07/2003	Craig Wilson	380201.91349	9129

26710 7590 05/07/2007  
QUARLES & BRADY LLP  
411 E. WISCONSIN AVENUE  
SUITE 2040  
MILWAUKEE, WI 53202-4497

EXAMINER
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MCDONALD, SHANTESE L

ART UNIT	PAPER NUMBER
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3723

MAIL DATE	DELIVERY MODE
05/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/636,107	WILSON ET AL.
	Examiner Shantese L. McDonald	Art Unit 3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 16 February 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,3-11,13,18,19 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1 and 3-10 is/are allowed.
- 6) Claim(s) 11,13 and 21 is/are rejected.
- 7) Claim(s) 18,19 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____.                         |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 11,13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jenske in view of Gomas.

Jeske et al. teaches a hand held wire stripper having a first lever member and a second lever member each with an elongated handle and an offset jaw having a working edge, the first and second lever members being pivotally joined so that the working edges lie adjacent each other when in a closed position. Jeske et al. teaches all the limitations of the claims except for each elongated handle having a rear grip and forward grip separated by an outward extension, the handles being symmetrical about a center line extending through the hinge point, and the rear grips being concave in the direction of the center line, and the forward grips being concave opening in a direction away from the centerline, and the forward grips being defined by radii within a range of approximately 1 to 2 inches. Gomas teaches an elongated handle having a rear grip and forward grip separated by an outward extension, the handles being symmetrical about a center line extending through the hinge point, and the rear grips being concave in the direction of the center line, (fig. 1), the forward grips being concave in a direction away from a centerline, (the forward grip which is the area located between the outward

Art Unit: 3723

extension, 8A, and element 7A, in fig. 1, does have a component, the curve, which is considered to be concave in a direction away from the centerline), wherein the rear grip of the handle of the first lever, 11A, is generally concave opening toward a centerline, and where the rear grip of the handle of the second lever member, 11B, has a first segment, (the curved area of fig. 1, located between elements, 8B and 9B), adjacent the outward extension that is concave away from the centerline and a second segment, 3B, adjacent the first segment that is concave toward the centerline. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the tool of Jeske et al. with the grips as taught by Gomas, since both tools teach handle grips, and to enhance the gripping capabilities of the user. It would have been further obvious to have the radii of the forward grips to be within a range of approximately 1 to 2 inches, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jenske as modified by Gomas as applied to claims 11, 13 and 14 above, and further in view of Lu.

Jeske as modified by Gomas teaches all the limitations of the claims except for each of the rear grips defining at least one raised projection on an outer portion thereof adjacent the outward extensions. Lu teaches at least one raised projection, 12, (fig. 4). It would have been obvious to one having ordinary skill in the art

at the time the invention was made to provide the grips of Jeske as modified by Gomas with the raised projections, as taught by Lu, in order to enhance the gripping capabilities.

***Allowable Subject Matter***

Claims 18 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1 and 3-10 allowed.

***Response to Arguments***

Applicant's arguments filed 2/16/07 have been fully considered but they are not persuasive.

The Applicant argues that the outwardly extending guard of Gomas is essentially a forward end handle and that there is no grip portion. The Examiner notes that any part of a handle that one can hold is considered to be a grip. The Applicant further argues that the sharp rearward concave surface of the guard cannot be considered to be the first concave segment of the second rear grip, as claimed. The Applicant states that it is merely a transition between the guard and the grip, which follows a curve. As the Examiner previously stated, the surface of the grip or handle does curve or concave away from the centerline, and one could place their hands in this area to grip the tool, and therefore it can be considered to be a grip.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shantese L. McDonald whose telephone number is (571) 272-4486. The examiner can normally be reached on 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3723

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S.L.M.  
April 30, 2007



Joseph J. Hail, III  
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